

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

JOSEPH D. GILBERTI, )  
                        )  
Plaintiff,           )  
                        )  
v.                    )      **Case No. CIV-25-176-D**  
                        )  
WARREN BUFFETT et al., )  
                        )  
Defendants.          )

**ORDER**

Plaintiff applies to proceed in forma pauperis (IFP), that is, without prepayment of costs or fees. Doc. 2. Chief United States District Judge Timothy D. DeGiusti referred the IFP application to the undersigned Magistrate Judge for proceedings consistent with 28 U.S.C. § 636(b)(1)(B), (C). Doc. 3.

Plaintiff sets forth in his application that he has no income and that his spouse's monthly income of \$2,400.00 is less than their monthly expenses of \$3,325.00. Doc. 2, at 4-7. Plaintiff states that his spouse has \$50.00 in a checking account, that he owns a house valued at \$400,000.00, and two vehicles valued at \$8,000.00 and \$3,000.00, respectively. *Id.* at 4-5. Finally, Plaintiff states that he is currently in jail in Sarasota County, Florida. *Id.* at 8.

A court has discretion under 28 U.S.C. § 1915(a) in deciding whether to grant a civil litigant permission to proceed in forma pauperis. *Lister v. Dep't of*

*Treasury*, 408 F.3d 1309, 1312 (10th Cir. 2005). This Court is concerned it has incomplete information about Plaintiff's situation. If Plaintiff is currently incarcerated, he must disclose his institutional account balance on the Court's prisoner IFP form and submit a certified copy of his account statement obtained from the appropriate official at the jail. *See* 28 U.S.C. § 1915(a)(2). If Plaintiff is no longer incarcerated, he must state that to the Court and provide the Court with updated financial information on the Court's revised non-prisoner IFP form.

The Court directs Plaintiff to provide this information to the Court **by March 6, 2025**. Failure to timely comply with this Order will result in the undersigned recommending the Court deny Plaintiff's request to proceed IFP.

The Court directs the Clerk of Court to provide Plaintiff with the forms necessary to comply with this Order.

**SO ORDERED** this 13th day of February, 2025.



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SUZANNE MITCHELL  
UNITED STATES MAGISTRATE JUDGE